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October 22, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
12th Street Lobby, TW-A325
Washington, DC 20554

**Re: WXXA-DT, Albany, New York
Petition for Rulemaking**

Dear Ms. Salas:

On behalf of Clear Channel Broadcasting Licenses, Inc., the licensee of WXXA-TV, Albany, New York, enclosed for filing is a Petition for Rulemaking to change the digital television Table of Allotments to specify Channel 7 in lieu of Channel 4 at Albany.

Please contact this office if there are any questions.

Respectfully submitted,



Elizabeth E. Goldin

Enclosure
808775

cc: Gordon Godfrey, FCC
John Morgan, FCC
David Bennett, FCC

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MMB

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.622(b) of)	MM Docket No.
the Commission's Rules, DTV)	RM No.
Table of Allotments)	
(Albany, New York))	

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

1. Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), by its attorneys and pursuant to Section 73.623 of the Commission's rules, 47 C.F.R. §73.623, hereby requests that the Commission institute a rulemaking proceeding for the purpose of amending the Table of Allotments for the digital television service ("DTV Table") to change the initial DTV channel allotment for station WXXA-DT, Albany, New York, from channel 4 to channel 7.

2. Clear Channel is the licensee of television station WXXA-TV, Albany, New York, which currently operates on NTSC channel 23. The station has been allotted DTV channel 4 for its digital operations. The proposed channel change would eliminate the potential for interference by WXXA-DT to video cassette recorders (VCRs) in its service area which typically operate on channels 3 or 4. Clear Channel thus proposes to amend the DTV Table to substitute channel 7 in place of channel 4 at Albany, for the use of WXXA-DT.

3. As the attached engineering statement demonstrates, WXXA-DT's proposed digital service on channel 7 fully complies with the Commission's 2%/10% interference criteria, pursuant to Section 73.623(c)(2) of the Commission's rules. Additionally, the proposed channel 7 allotment will encompass the entire community of Albany, as required by Section 73.625(a) of the Commission's rules.

4. In light of the foregoing, Clear Channel respectfully requests that the Commission commence a rulemaking proceeding to amend the DTV Table to allot and assign DTV channel 7 (in lieu of channel 4) to Albany, New York, for use by WXXA-DT.

Respectfully submitted,

**CLEAR CHANNEL BROADCASTING
LICENSES, INC.**

By: 

Richard J. Bodorff

John M. Burgett

Elizabeth E. Goldin

WILEY, REIN & FIELDING

1776 K Street, NW

Washington, DC 20006

(202) 719-7000

Its Attorneys

October 22, 1999

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION WXXA-TV
ALBANY, NEW YORK

Technical Summary

This technical narrative and associated exhibits have been prepared on behalf of WXXA-TV in support of a Petition for Rule Making to modify the DTV allotment of WXXA-TV from VHF channel 4 to VHF channel 7.

DTV channel 7 can be substituted and allotted to Albany, New York in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates Latitude 42°37'01", Longitude 74°00'46.¹ In addition, operation on DTV channel 7 appears possible with an effective radiated power (ERP) of up to 10 kW utilizing a nondirectional antenna and an antenna height above average terrain (HAAT) of 366 meters. The proposed channel change is acceptable under the 2 percent criterion for *de minimis* impact applicable to DTV allotment modifications under Section 73.623(c)(2). Therefore, it is proposed to modify WXXA-TV's authorization to specify operation on the alternate DTV channel with the following specifications:

State & City	DTV Channel	DTV ERP (kW)	Antenna HAAT (m)
NY, Albany	7	10	366

It is also proposed to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as follows:

¹ This is also the current DTV allotment reference point for WXXA-TV.

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Albany, New York	4, 15, 26	7, 15, 26

Station WXXA-TV is currently allotted VHF channel 4 for its DTV operation with an ERP of 1 kW and an HAAT of 366 meters. Station WXXA-TV proposes to allot VHF channel 7 at Latitude 42°37'01", Longitude 74°00'46". It is proposed to operate with an antenna radiation center height above mean sea level (RCAMSL) of 633 meters, an antenna radiation HAAT of 366 meters and a nondirectional antenna maximum ERP of 10 kW.

Figure 1 is a separation study toward other NTSC and DTV allotments based on a 161 kilometer "buffer". Although the separation requirements are only applicable to new DTV allotments, they can be used as an indication of which stations have the potential of receiving interference from the proposed channel 7 DTV operation.

Figure 2 provides a summary of interference and service for the proposed channel 7 allotment. Determination of interference and service was based on the procedures outlined in OET Bulletin No. 69 and criteria contained in Sections 73.622 and 73.623 of the FCC's rules.² It is believed that the proposed channel 7 operation is in full compliance with the FCC's 2%/10% interference criteria.

² The du Treil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 2 km was employed. An Alpha based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

Figure 3 is a map which depicts the 36 dBu, noise limited, contour for the proposed channel 7 DTV operation. Also shown are the city limits of Albany based on 1990 Census data. As indicated, all of Albany is located within the 36 dBu contour. Therefore, the proposed channel 7 DTV allotment will comply with the city coverage requirements contained in Section 73.625(a). Also shown on Figure 3 is the 64 dBu contour for WXXA-TV's currently authorized NTSC channel 23 operation (BLCT-820810KG). As indicated, the proposed channel 7 DTV operation will provide full replication of the current NTSC channel 23 coverage.

As the community of Albany, New York is located within 400 kilometers of the U.S.-Canadian border, concurrence by the Canadian government will likely be required for this proposal. Figure 4 is a tabulation of all known Canadian NTSC and DTV allotments on channels 7 and 8 located within 400 km of the proposed site. All the Canadian NTSC and DTV allotments are located at distances greater than the minimum distance set forth in Section D.3 (Proposed Canadian Tables) of the Canadian publication entitled "Digital Television, Service Considerations and Allotment Principles" prepared by the JTCAB Ad Hoc Group on DTV Planning Parameters (January 1997).

Conclusion

VHF channel 7 can be substituted for the current VHF DTV channel 4 allotment of WXXA-TV in compliance with the FCC's rules concerning DTV allotment changes.



W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237
(941) 3290-6000

October 12, 1999

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION WXXA-TV
ALBANY, NEW YORK

DTV to NTSC Separation Study

Job Title : Proposed DTV Ch. 7
Zone : 1
Channel 7 (174-180 MHz)

Separation Buffer 161 km
FCC TV DB Date : 10/08/99
Coordinates : 42-37-01 74-00-46

Call Status	City St	FCC File No.	Channel Zone	ERP(kW) HAAT(m)	Latitude Longitude	Bear. True	Dist. (km)	Req. (km)
WWNYTV LIC	CARTHAGE NY	BLCT-2160	7(-) II	316 219	43-57-16 75-43-45	317.5 -40.91	203.69	244.6 SHORT
WWNYTV CP	CARTHAGE NY	BPCT-890619KF	7(-) II	316 221	43-57-16 75-43-45	317.5 -40.91	203.69	244.6 SHORT
WABCTV LIC	NEW YORK NY	BLCT-800730KG	7(o) I	64.6 491	40-42-43 74-00-49	180.1 -33.01	211.59	244.6 SHORT
WHDHTV LIC	BOSTON MA	BMLCT-940831KE	7(+) I	316 306	42-18-40 71-13-00	97.5 -12.12	232.48	244.6 SHORT
ERP AS SHOWN ON LIC.								
CHLTTV LIC	SHERBROOKE QU	-	7(o) I	300 DA 585	45-18-43 72-14-32	24.7 56.45	331.45	275.0 CLEAR
WKBWTV LIC	BUFFALO NY	BLCT-2258	7(+) I	100 433	42-38-15 78-37-12	271.9 133.36	377.96	244.6 CLEAR
ERP AS SHOWN ON LIC.								
WTNH LIC	NEW HAVEN CT	BLCT-2555	8(o) I	166 369	41-25-23 72-57-06	146.2 34.10	159.10	9.0/125.0 CLEAR
WTNH CP	NEW HAVEN CT	BPCT-950712KK	8(o) I	174. 363	41-25-23 72-57-06	146.2 34.10	159.10	9.0/125.0 CLEAR

** End of TV Separation Study for Channel 7 **

DTV to DTV Separation Study

```
Job Title :Proposed DTV Ch. 7           Separation Buffer 161 km  
Zone : 1                               FCC DTV DB Date: 12/18/98  
Channel 7 (174-180 MHz)               Coordinates : 42-37-01  74-00-46
```

Call Status	City St	FCC File No.	Channel Zone	ERP(kW) HAAT(m)	Latitude Longitude	Bear. True	Dist. (km)	Req. (km)
DWBNGTV DTVLT	BINGHAMTON NY		7 I	8.6 369	42-03-33 75-57-06	249.4	171.38 -73.22	244.6 SHORT
DWICZTV DTVLT	BINGHAMTON NY		8 I	3.2 375	42-03-22 75-56-39	249.2	170.93 74.33	20.0/110.0 CLEAR
DWMBCTV DTVLT	NEWTON NJ		8 I	3.2 223	41-00-36 74-35-39	195.3	184.90 88.30	20.0/110.0 CLEAR

** End of DTV Separation Study for Channel 7 **

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION WXXA-TV
ALBANY, NEW YORK

Interference and Service Summary

I. Interference Caused

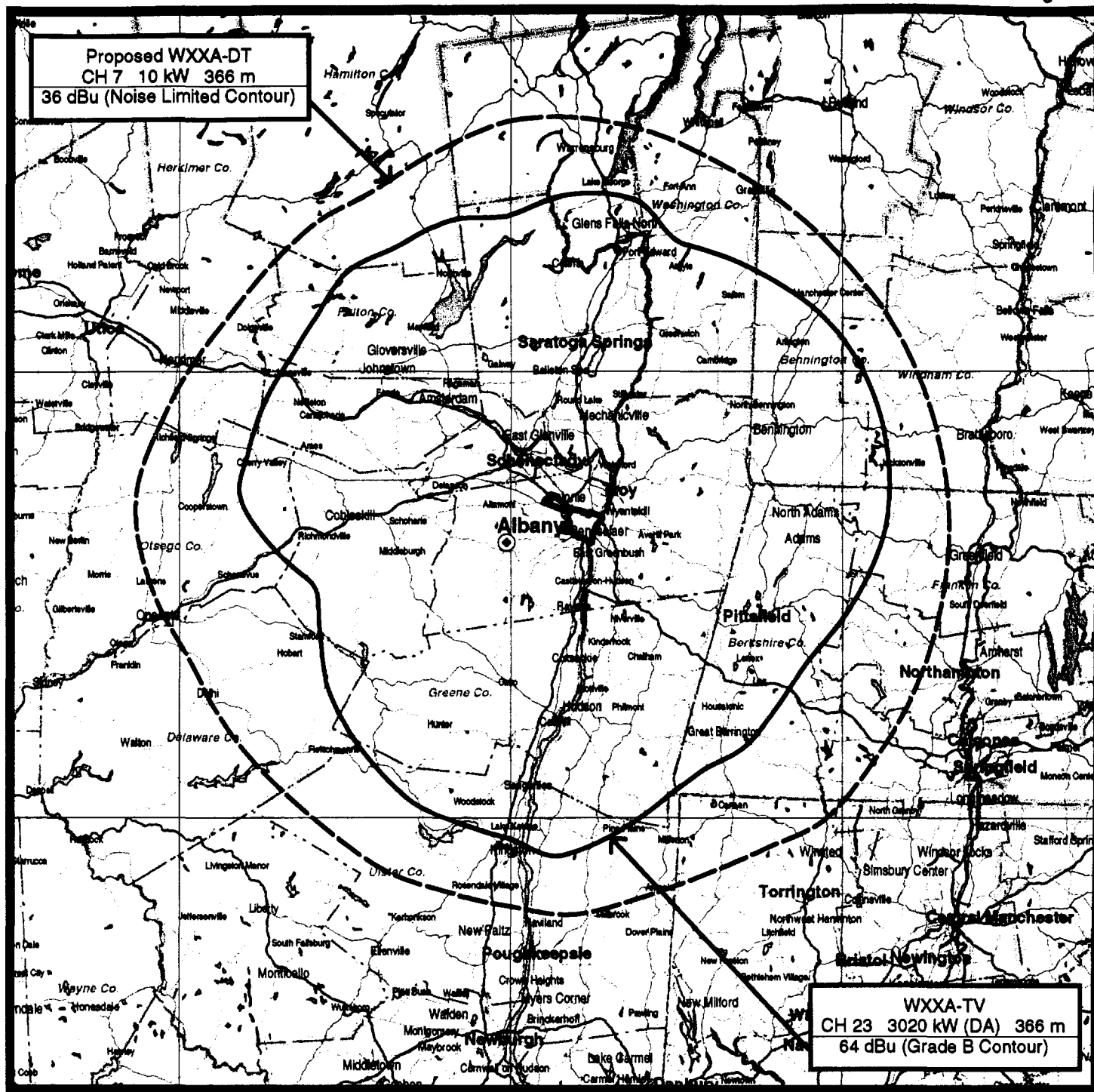
Protected NTSC/DTV Station	FCC Service Population	Proposed Interference Population	Unique Interference Population*
DWBNG-TV, DTV Ch. 7 Binghamton, NY	906,000	11,895 (1.3%)	--
WVNY-TV, NTSC Ch. 7 Carthage, NY (License)	287,519	--	5,497 (1.9%)
WVNY-TV, NTSC Ch. 7 Carthage, NY (CP)	287,519	--	5,416 (1.9%)
WABC-TV, NTSC Ch. 7 New York NY	18,249,275	108,176 (0.6%)	--
WHDH-TV, NTSC Ch. 7 Boston, MA	6,722,044	15,253 (0.2%)	--
WINH, NTSC Ch. 8 New Haven, CT (License)	6,703,642	25 (0.0%)	--
WINH, NTSC Ch. 8 New Haven, CT (CP)	6,703,642	25 (0.0%)	--

*Considers interference "masking" from other NTSC and DTV assignments.

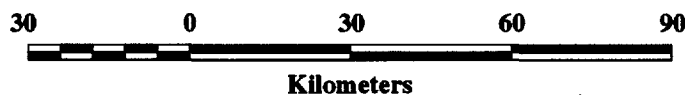
II. Service

	Population
Within Noise Limited Contour	1,556,027
Not Affected by Terrain Losses	1,422,801
Lost to NTSC Interference	27,715
Lost to DTV Interference	2,272
Total Service	1,392,814

Figure 3



Scale: 1:1,414,000



October 1999

PREDICTED 36 dBu NOISE-LIMITED COVERAGE CONTOUR

STATION WXXA-DT
ALBANY, NEW YORK
CH 7 10 KW 366 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION WXXA-TV
ALBANY, NEW YORK

CANADIAN TV/DTV WITHIN STUDY

[illegible]

Call Status	City State	FCC File No.	Channel Zone	ERP(kw) HAAT(m)	Latitude Longitude	Bearing deg-True	Distance (km) (mile)
CHLT-TV LIC	SHERBROOKE QU	-	7 (o) I	300 DA 585	45-18-43 72-14-32	24.70	331.45 206.00
CHLT-TV NTSCVU	SHERBROOKE QU		7		45-18-42 72-14-31	24.70	331.45 206.00
CJOH-TV NTSCVU	CORNWALL ON		8		45-10-35 74-31-37	351.94	287.37 178.60
CJOH-TV8 LIC	CORNWALL ON	-	8 (+) I	260 DA 188	45-10-35 74-31-38	351.94	287.37 178.60
TO BE LOC NOT LESS THAN 274 KM FROM WMTH-TV PORTLAND SPRING, M							
CIIT-TV DTVVL	BANCROFT ON		8		45- 3-33 77-11-59	317.83	373.30 232.01

** End of TV Within Study **